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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AKILAH HUGHES,

Plaintiff,

v.

CARL BENJAMIN a/k/a “SARGON OF
AKKAD”; and “JOHN DOES” 1-10,

Defendants.

CASE NO. 17-cv-6493 (RJS)

**AFFIRMATION IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT**

I, Michael Lee, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a member of the Bar of this Court and am a Partner at the law firm of Morrison & Lee LLP, attorneys for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances of this action.

2. I make this affirmation pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff’s application for the issuance of a certificate of default by the Clerk of this court.

3. Jurisdiction of the subject matter of this action is based on federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This action was commenced on August 25, 2017 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant Carl Benjamin,

a/k/a "Sargon of Akkad" on September 11, 2017 by Federal Express tracking # 810833269760 pursuant to the provisions of FRCP 4(f)(2)(c)(ii) and proof of service was filed by plaintiff's counsel. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

5. It is believed that Defendant Carl Benjamin is not a minor, is not mentally incompetent, and is not in the military service of the United States.

WHEREFORE, plaintiff requests that the default of defendant Carl Benjamin be noted and a certificate of default issued.

MORRISON & LEE LLP

Dated: October 4, 2017



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